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COMMISSION ON HUMAN RIGHTS
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Working Group on Contemporary
Forms of Slavery
Sixteenth session
29 July-2 August 1991
Item 3 of the provisional agenda

REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

Information received from States concerning the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Note by the Secretary-General

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I. Introduction

1. In paragraph 1 of its resolution 1989/74 of 24 May 1989, entitled "Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Economic and Social Council reminded States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI). Pursuant to that resolution, a note verbale dated 6 May 1991 was sent to the States parties to above-mentioned conventions.

By 25 June 1991, substantial replies had been submitted by the Governments of Bahamas, Cameroon, Mali, Pakistan and Uruguay which are summarized below. */

Additional replies, if any, will be published in addenda to this document.

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*/ The full texts of the replies are available for consultation in the secretariat files.

II. Information received from States

BAHAMAS

[2 July 1990]
[Original: English]

1. Existing laws do generally provide for the punishment of those acts which constitute the procurement of persons for the purpose of prostitution regardless of their ages, the abduction of persons regardless of their ages and the importation and possession of literature which may be considered obscene in nature. The Customs administration is involved particularly with the aspect of the latter material.

2. As a matter of policy, the Government of the Bahamas may, on the recommendation of the Ministry of National Security, if it sees fit, consider the promotion of legislation dealing with the specific topics mentioned in the Note from the Secretary-General. Of course, there would have to be the supportive administrative institutions in place to make the legislation effective, particularly regarding children.

CAMEROON

[12 October 1990]
[Original: French]

1. Child labour

1. Order No. 17 of 27 May 1969 of the Ministry of Labour and Social Welfare relating to the child labour and a number of provisions of the Labour Code regulate child labour in detail. They supplement the provisions of long standing contained in the Act of 7 December 1874 relating to the protection of children employed in itinerant professions.

A. The Act of 7 December 1874

2. This Act forbids anyone to make children under 16 years of age perform dangerous feats of strength or exercises involving contortion. With the exception of the mother and father, it prohibits anyone exercising the professions of acrobat, tumbler, charlatan, exhibitor of animals or circus director from employing children under 16 years of age. Any violation of these provisions renders its perpetrator liable to a term of imprisonment from six months to two years and a fine of 4,000 to 8,000 CFA francs. The same penalty applies to parents who, exercising the professions listed above, employ their children under 12 years of age in their performances.

B. The Act of 27 November 1974 relating to the Labour Code

3. This law sets the minimum age for admission to employment at 14 years, save in the case of a derogation enacted by order of the Minister of Labour pursuant to the opinion of the National Employment Council, and having regard to the local circumstances and the tasks which may be requested of the child

concerned. It prohibits the employment of young people under 18 years of age in vessels in the capacity of coal-trimmers or stokers. For any other employment in vessels, the children are subjected to a compulsory prior medical examination attesting to their ability to carry out the work. This obligation is not imposed, however, when the crew is composed exclusively of members of the family.

4. The same text sets the rest of child workers at not less than 12 consecutive hours and prohibits night work for children, save in the case of derogations established by the Minister of Labour. In general, this Act prescribes that a child may not be maintained in employment recognized to be beyond his strength. He must always be assigned to suitable work. If that is not possible, the contract is cancelled, without advance notice by any of the parties.

C. Order No. 17 of 27 May 1969

5. The special status of young workers has been clarified by order No. 17 of 27 May 1969 by the Minister of Labour which defines the concept of the child and the minimum age for admission to employment. A child should be understood as any person of either sex, either wage earning or an apprentice, of less than 18 years of age. This order also establishes the nature of the work forbidden to the children it protects, at both the physical and moral level.

6. At the physical level, the order lists the work it considers to be beyond the strength of children. In this category, it includes the act of making children carry, pull or push loads above a certain weight, the weight itself depending on the mode of transport. It prohibits the employment of children to perform dangerous and insalubrious work such as underground work in mines, quarries and galleries, the manipulation of explosives, work in compressed air, etc.

7. At the moral level, the same text imposes on heads of companies the obligation to ensure the maintenance of accepted standards of behaviour and public decency when they employ children. Work offensive to the morality of children or liable to exercise a harmful influence on them is considered to be morally dangerous.

2. The abolition of debt bondage

8. The Republic of Cameroon has ratified the ILO Forced Labour Convention of 26 June 1930 which it has incorporated into its 1974 Labour Code. Forced or compulsory labour is any work or service required of an individual under threat of any punishment or against the will of the individual. This form of labour is severely punished by Cameroonian law which imposes a prison sentence of between one and five years and a fine of between 10,000 and 500,000 CFA francs on anyone who, to serve his own interests, requires another to perform any work or service against his will. Moreover, since slavery has been abolished, Cameroon considers the commission of this offence to be a crime which it punishes by imprisonment from 10 to 20 years. In conclusion, the law of Cameroon prohibits any form of slavery and a creditor has at his disposal only civil remedies to compel a debtor to discharge his obligation.

MALI

[2 June 1990]
[Original: French]

1. In the preamble to its Constitution, the Republic of Mali solemnly reaffirms the rights and freedoms of man and the citizen, sanctioned by the Universal Declaration of Human Rights of 10 December 1948.

2. The ideal of freedom and equality on which the Republic of Mali is therefore based is embodied in a number of legislative texts, the most important of which are articles 55 et seq. and articles 189 et seq. of the Penal Code.

3. Thus, article 55 of the Malian Penal Code punishes any word or any deed likely to give rise to racial or ethnic discrimination, any word or any deed intended to instigate or foster regionalist propaganda, any dissemination of news designed to undermine the unity of the nation or the credit of the State, or any demonstration contrary to freedom of conscience and freedom of religion liable to set citizens against each other.

4. Article 189 of the Penal Code deals severely with the trade in persons and punishes anyone who concludes an agreement intended to alienate, either free of payment or in return for payment, the freedom of a third party, the act of introducing into the Republic of Mali persons intended to be the subject of the aforementioned agreement or the act of sending or attempting to send individuals from the Republic to enable the said agreement to be concluded abroad.

5. Finally, article 183 punishes anyone who habitually incites to, furthers or facilitates debauchery or the corruption of youth of either sex, either to satisfy the passions of others, who leads or diverts, even with her consent, a girl or a woman with a view to debauchery or keeps a person against her will, in a brothel or compels her to engage in prostitution.

6. The Malian State is therefore desirous of preserving the values on which human dignity is based and it is one of the African countries where issues of tribalism and racial minority are unknown. The Malian citizen is fulfilled and the causes engendering contemporary forms of slavery are inexistent in Mali. For example, there are no large plantations and important landowners in Mali who enslave their employees by depriving them of any means of survival outside their enterprise or establishment. Malian legislation has endeavoured to identify all forms of alienation of individual and collective freedom and has developed an independent legal system which guarantees respect for the inalienable and sacred rights of the human person.

7. No form of contemporary slavery exists in Mali today. Consequently, Mali is unable to provide any new information concerning the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

PAKISTAN

[9 and 23 April 1991]
[Original: English]

1. Contemporary forms of slavery

1. Exploitation of child labour is prohibited in Pakistan. Article 11 (3) of the Constitution of the Islamic Republic of Pakistan, 1973, provides that "no child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment".

2. The relevant provisions of various labour laws concerning Child Labour are given below:

(a) Factories Act, 1934

Section 50 of this Act lays down that no child who has not completed his 14 years shall be allowed to work in any factory. The Factories Act, 1934, contains special provisions for children above 14 years of age. Children are not allowed to work for more than five hours a day. The hours of work of such children are to be so arranged that they are not spread over more than 7 1/2 hours in any day. It is prohibited to employ children during the night. Further, no child is allowed to work at any machine unless he has been fully instructed and has received sufficient training.

(b) Mines Act, 1923

Under Section 26 of this Act it has been provided that no child be employed in a mine or be allowed to be present in any part of a mine which is below ground. (Child has been defined in section 3 clause (c) as a person who has not completed his 15 years).

(c) West Pakistan Shops and Establishments Ordinance, 1969

This Ordinance contains similar provision in its section 20, which reads as follows: No child shall be required or allowed to work in any establishment. (Child has been defined in section 2 clause (c) as a person who has not completed his 14 years of age).

(d) The Child (Pledging of Labour) Act, 1933

This Act prohibits the pledging of labour of children and provides penalties.

(e) The Merchant Shipping Act, 1923

The Merchant Shipping Act, 1923, consolidates certain enactments relating to Merchant Shipping. It regulates the conduct of Merchant Shipping, in order to secure the rights of seamen and to minimize loss of seamen. The Act prohibits employment of children below 14 years of age on all ships.

(f) The Employment of Children Act, 1938

This Act, inter alia, provides for prohibition of employment of children under 15 years of age. The Act also prohibits employment of children in professions which are considered dangerous to their mental or physical health.

2. Employment of Children Bill 1991

3. The aims and objects of the Bill are to lay down detailed legal provisions to give effect to Article 11 (3) of the Constitution of the Islamic Republic of Pakistan which stipulates that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment. The Bill ensures protection of children from economic exploitation and from performing any work considered hazardous and harmful for their health. It further seeks to lay down standard legal definition of the term "Child" and removes anomalies resulting from different age limits prescribed in different Labour Laws. The Bill also provides for regulating the hours of work for children and adolescents and explicitly lays down that no children shall be required or permitted to work overtime.

4. The contravention of the provisions of ensuing Law shall be punishable with imprisonment for a term which shall not be less than three months but may extend to one year or with a fine which shall not be less than Rs. 10,000 but may extend to Rs. 20,000 or with both. The violation of the Law, after the first offence, is punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

5. The Bill is awaiting assent of the President of Pakistan. The Employment of Children Act, 1938, will stand repealed as soon as it is placed on the Statute Book.

6. The West Pakistan Shops and Establishments Ordinance, prohibits the employment of children under 14 years of age in shops, commercial establishments, industrial establishments, private dispensaries, hotels, cinemas or other entertainment places.

7. To abolish bonded labour, in all its forms, the Government of Pakistan is taking appropriate steps to enforce the law. Any person found exacting bonded labour shall be liable to be punished with a term of imprisonment of not less than two years and not more than five years or with a fine which shall be not less than Rs. 50,000 or both. Out of the fine, if recovered, payment shall be made to the bonded labourer at Rs. 50 for each day the bonded labour was extracted from him/her.

8. For monitoring implementation, vigilance committees comprising elected representatives of the people, leaders of public opinion, lawyers, representatives of district administrations, social services and labour departments of the provincial and federal Government have also been proposed.

9. Proposed legislation is likely to be introduced in the not too distant future. It is hoped that the Ordinance in question will pave the way to eradicate social injustice and exploitation of a particularly downtrodden segment of our society, viz. bonded labour in Pakistan.

3. Abolition of Bonded Labour System

10. Pakistan ratified ILO Convention No. 29 in 1957, and Article 1 of the Convention requires that use of forced or compulsory labour, in all its forms, must be abolished within the shortest period. Pakistan also ratified ILO Convention No. 105 in 1960 and Article 2 of the said Convention requires to undertake effective measures for securing immediate and complete abolition of forced or compulsory labour.

11. Article 11 of the Constitution of the Islamic Republic of Pakistan, 1973, inter alia, reads as follows:

> "11. (1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form."

12. Further steps to effectively curb/abolish bonded labour are under consideration.

4. Slavery

13. Under Article 11 (1) of the Constitution of the Islamic Republic of Pakistan, 1973, slavery is non-existent and forbidden and no law permits or facilitates its introduction in Pakistan in any shape or form.

URUGUAY

[7 June 1991]
[Original: Spanish]

1. Paragraph 3 of the resolution entitled "Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", which the Commission on Human Rights adopted on 6 March 1991, invited those eligible States that had not ratified the relevant Conventions to do so or to explain in writing why they feel unable to do so.

2. It is the will of the Executive Power of the Republic to accede to the Slavery Convention of 1926, amended by the Protocol of 1953 and to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

3. With this intention, on 20 June 1989, the Executive Power issued a message to the Legislative Power requesting, on the basis of the constitutional requirement of the tripartite division of State Powers, Parliamentary approval of these international instruments.

4. In view of the delay incurred by the two legislative chambers in the consideration of this draft, the Executive Power has adopted the relevant measures in order to secure its prompt approval and, consequently, the legal validity of this important international legal instrument. The Government of the Republic also undertakes to keep the Sub-Commission informed of the internal procedures which will be followed in the case of these Conventions.